



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held October 7, 2008, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

Hearing on amendments to the County Code, Title 12 - Environmental Protection, Title 21 - Subdivisions and Title 22 - Planning and Zoning, to establish green building, low impact development and drought tolerant landscaping standards (All Districts); and find that action is exempt from the California Environmental Quality Act, as further described in the attached letter dated September 23, 2008 from the Director of Planning.

All persons wishing to testify were sworn in by the Executive Officer of the Board. Karen Simmons, representing the Department of Regional Planning testified. Opportunity was given for interested persons to address the Board. David Levine, Tom Wulf, Kirsten James and others addressed the Board. Correspondence was presented.

The following statement was entered into the record for Supervisors Yaroslavsky and Burke:

"Los Angeles County, like many urban areas in the United States, faces serious environmental challenges as a result of unsustainable land use policies. We continue to send well over 50% of rain water that falls in urbanized areas straight to the ocean instead of allowing it to naturally restore underground reservoirs to provide for our future water needs. Additionally, our construction standards are not as energy efficient as they should be despite the fact that buildings nationwide account for 30% of total energy use, 65% of electricity use, and 30% of greenhouse gas emissions.

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“Over the last several years, the Board of Supervisors has embarked on a series of critical initiatives to address these issues. Our efforts to cut energy and water use include enacting the requirement that all County facilities greater than 10,000 square feet be certified at the LEED-Silver level or higher and must plant drought-tolerant landscaping. Our efforts to improve water quality include transforming the Tujunga Wash and the Bixby Marshland into green spaces for residents. These tributaries now provide venues for public education and habitat restoration and help us achieve water supply, water conservation, and water quality objectives.

“These pilot projects prove that the technology and expertise exist to build communities and manage storm water in a more environmentally responsible manner than has been done in previous decades. Despite these positive examples, our region and state continue to face a climate change crises, poor water quality at our beaches and oceans, an over-reliance on foreign sources of fuel, and a serious drought.

“To truly mitigate these threats, Los Angeles County must go beyond pilot projects and actually institutionalize best practices into long-term County policies. To that end, the ordinances and staff recommendations that are before us today will mandate that, with a few exceptions, all new development comply with drought-tolerant landscaping requirements, Low Impact Development (LID) storm water best management practices, and stringent green building standards-including LEED requirements for buildings over 10,000 square feet and LEED-Silver requirements for all buildings over 25,000 square feet.

“Based on recent development trends, by approving these ordinances and staff recommendations the Board of Supervisors would help:

- Reduce greenhouse gas emissions by roughly 2,138 tons after just one year;

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- Save more than 14 million gallons of water in the first year alone;
- Avoid the disposal of over 66,000 tons of trash to landfills over the next decade;
- Improve indoor air quality, thereby reducing the incidence of asthma and other respiratory ailments; and
- Lower utility bills for households by hundreds of dollars every single year.

“County staff, the Regional Planning Commission, and the numerous stakeholders who participated in this process should be commended for designing ordinances that will produce measurable results. At the same time, all three ordinances have been written to ensure that there are reasonable accommodations available in cases where it is not technically feasible to comply with the normal standards. However, the adopted standards should be readily enforceable and we must remain steadfast in preventing the creation of loopholes that would allow the very effectiveness of these ordinances to be compromised.”

Therefore, Supervisor Yaroslavsky made a motion, seconded by Supervisor Burke, that the Board close the public hearing, find that the proposed ordinances are categorically exempt from California Environmental Quality Act, indicate their intent to approve the Regional Planning Commission’s unanimous recommendation to approve the Green Building, Low Impact Development, and Drought Tolerant Landscaping ordinances along with all of the changes contained in Regional Planning’s staff reports, instruct staff to file the appropriate findings with the California Building Standards Commission and/or California Energy Commission, and instruct County Counsel to prepare final ordinances for the Board’s consideration at or before the November 18, 2008 Board Meeting that incorporate the following additional modifications and any other language or procedural clarifications deemed necessary by County Counsel:

1. Require the Green Building Task Force to review new versions of the approved Third Party standards and Title 24 energy standards annually, or more often as needed, and make a recommendation as to whether to accept or deny the new requirements in their totality to the Regional Planning Commission, which shall then decide whether to adopt the Task Force’s recommendation. The decision of the Commission may be appealed to the Board of Supervisors.

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2. The provision of the green building ordinance allowing any new third-party standard to be used upon approval of the Director shall be eliminated;
3. In addition to the landscape plan changes recommended in the staff report, full landscape plans shall be required for all discretionary projects and those plans must be fully reviewed and approved by Regional Planning staff as part of the development review process;
4. Clarify that for all single-family lot tract maps approved after the effective date of this ordinance, the category of green standards for all buildings developed as a result of that subdivision shall be determined based on the number of lots contained in the tract map;
5. As appropriate, require that all building features that are being used to meet the requirements of third-party standards be shown on the plans required by the Office of Building and Safety to ensure that those standards are being complied with throughout the building process:

In addition, that the Board instruct the Chief Executive Office, in cooperation with the Departments of Public Works and Regional Planning, to develop an implementation plan for presentation to this Board on or before November 18, 2008, together with the final version of these ordinances. This plan shall include:

1. The establishment of the Green Building Task Force, whose purpose shall be to make recommendations for amendments to the Green Building and Drought Tolerant Landscaping ordinances, and recommend updates or amendments to the Green Building and Drought Tolerant Landscaping Manuals and other technical documents.
2. Guidelines to ensure that the Task Force includes members of the public, other interested stakeholders, and County staff from appropriate departments, including but not limited to, the Department of Public Works, Regional Planning, and the Fire Department.
3. The development and description of a staff training and public education plan that ensures that these new ordinances can be smoothly incorporated into the development review process and additionally provides constituents with information regarding incentives (i.e. rebates) or technical assistance related to their construction projects.

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Also, that the Board instruct the Green Building Task Force to report back to the Board within 18 months, and as need thereafter, regarding the implementation of the ordinances, including how effectively the landscaping guidelines are being incorporated into residential projects, as well as recommendations regarding how the provisions relating to warehouse and industrial/manufacturing buildings should be modified as third-party green building standards evolve.

The following statement was entered into the record for Supervisors Molina and Antonovich:

“The Green Building Program ordinances before our Board of Supervisors today have great potential. They will reduce greenhouse gas emissions, lower energy consumption and produce less waste for landfills while lower consumers’ utility bills. From a developer’s standpoint there is a strong economic case for developing green buildings. The U.S. Green Building Council found that green buildings outperformed non-green buildings in key areas such as occupancy, sale price and rental rates by wide margins and they make financially sound investments. These facts indicate that there is a larger demand for buildings that are environmentally friendly and energy efficient.

“For the ordinances to be viewed as a success in Los Angeles County the entitlement process needs to be as smooth as possible for the builder. This Board needs to ensure that there is sufficient outreach to the public as well as technical assistance to the end-user to make this a friendly process. The best way to minimize the cost of green building requirements is to plan for them in advance. Our ability to get the word out before these requirements take effect will be key to how they are viewed by the public.”

Therefore, Supervisor Molina made a motion, seconded by Supervisor Antonovich that the Board direct:

1. The Departments of Public Works and Regional Planning to continue to conduct outreach to the public by presenting the details of Los Angeles County’s Green Building Program to neighborhood watch groups, town councils, chambers of commerce, boards of realtors, etc. All informational documents and manuals should be multi-lingual to meet the needs of all constituents.

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2. The Departments of Regional Planning and Public Works, Division of Building and Safety, to appoint one person each per field office as the primary contact for the public for technical assistance on the green building ordinances.
3. The Chief Executive Office report back with a cost-neutral funding plan to add any additional staff necessary to implement the green building program within the Departments of Regional Planning and Public Works.

After discussion, on motion of Supervisor Yaroslavsky, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Molina, Yaroslavsky, Knabe, Antonovich and Burke; Noes: None, the Board closed the hearing and took the following actions:

1. Made a finding that the proposed amendments are categorically exempt from the California Environmental Quality Act;
2. Indicated their intent to approve the Regional Planning Commission's unanimous recommendation to approve the Green Building, Low Impact Development, and Drought Tolerant Landscaping ordinances along with all of the changes contained in Regional Planning's staff reports and determined that the proposed amendments are consistent with the Los Angeles County General Plan;
3. Instructed staff to file the appropriate findings with the California Building Standards Commission and/or California Energy Commission;
4. Instructed County Counsel to prepare final ordinances for the Board's consideration at or before the November 18, 2008 Board Meeting that incorporate the following additional modifications, any other language or procedural clarifications deemed necessary by County Counsel:
 - Require the Green Building Task Force to review new versions of the approved Third Party standards and Title 24 energy standards annually, or more often as needed, and make a recommendation as to whether to accept or deny the new requirements in their totality to the Regional Planning Commission, which shall then decide whether to adopt the Task Force's recommendation. The decision of the Commission may be appealed to the Board of Supervisors;

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- The provision of the green building ordinance allowing any new third-party standard to be used upon approval of the Director shall be eliminated;
 - In addition to the landscape plan changes recommended in the staff report, full landscape plans shall be required for all discretionary projects and those plans must be fully reviewed and approved by Regional Planning staff as part of the development review process;
 - Clarify that for all single-family lot tract maps approved after the effective date of this ordinance, the category of green standards for all buildings developed as a result of that subdivision shall be determined based on the number of lots contained in the tract map; and
 - As appropriate, require that all building features that are being used to meet the requirements of third-party standards be shown on the plans required by the Office of Building and Safety to ensure that those standards are being complied with throughout the building process.
5. Instructed the Chief Executive Office, in cooperation with the Departments of Public Works and Regional Planning, to develop an implementation plan for presentation to this Board on or before November 18, 2008, together with the final version of these ordinances. This plan shall include:
- The establishment of the Green Building Task Force, whose purpose shall be to make recommendations for amendments to the Green Building and Drought Tolerant Landscaping ordinances, and recommend updates or amendments to the Green Building and Drought Tolerant Landscaping Manuals and other technical documents;
 - Guidelines to ensure that the Task Force includes members of the public, other interested stakeholders, and County staff from appropriate departments, including but not limited to, the Department of Public Works, Regional Planning, and the Fire Department; and

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- The development and description of a staff training and public education plan that ensures that these new ordinances can be smoothly incorporated into the development review process and additionally provides constituents with information regarding incentives (i.e. rebates) or technical assistance related to their construction projects.
6. Instructed the Green Building Task Force to report back to the Board within 18 months, and as need thereafter, regarding the implementation of the ordinances, including how effectively the landscaping guidelines are being incorporated into residential projects, as well as recommendations regarding how the provisions relating to warehouse and industrial/manufacturing buildings should be modified as third-party green building standards evolve;
 7. Directed the Departments of Public Works and Regional Planning to continue to conduct outreach to the public by presenting the details of Los Angeles County's Green Building Program to neighborhood watch groups, town councils, chambers of commerce, boards of realtors, etc. All informational documents and manuals should be multi-lingual to meet the needs of all constituents;
 8. Directed the Departments of Regional Planning and Public Works, Division of Building and Safety, to appoint one person each per field office as the primary contact for the public for technical assistance on the green building ordinances; and
 9. Directed the Chief Executive Office to report back with a cost-neutral funding plan to add any additional staff necessary to implement the green building program within the Departments of Regional Planning and Public Works.

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Attachment

Copies distributed:

Each Supervisor
Chief Executive Officer
County Counsel
Fire Chief
Director of Planning
Acting Director of Public Works